

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 19, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-22867 - APPLICANT/OWNER: WORLD WELLNESS GROUP, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 5, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (4-2/ds/bg vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-21998) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow 26 parking spaces where Title 19.04 requires a total of 48 spaces for a combined Medical Clinic and Medical Office Building.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by failing to properly accommodate the additional parking requirements by expanding the building 2,430 square feet. Therefore, staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
9/19/07	The City Council approved a request for a Rezoning of 0.39 acres from the C-1 (Limited Commercial) Zoning District to the M (Industrial) Zoning District. The planning Commission and Staff recommended approval.
8/23/07	This Site Development Plan Review request and an associated Variance request (VAR-22867) were tabled in order to provide revisions showing a 1,373 square foot reduction in gross floor area and increased provision of three parking spaces.
11/08/07	The Planning Commission recommended denial of companion item SDR-21998 concurrently with this application.  The Planning Commission voted 4-2/ds/bg to recommend DENIAL (PC Agenda Item #15/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no active building permits or business licenses at 3100 South Valley View Boulevard.	
<b><i>Pre-Application Meeting</i></b>	
7/11/07	A Pre-application meeting was held with staff to revisit the previous submittals SDR-21998 and VAR-22867 and to discuss the requirements for a Rezoning of the subject property to the "M" (Industrial) Zoning District.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
7/23/07	A field check was to the site was made with the following observations: <ul style="list-style-type: none"><li>• Vacant building with 32 parking spaces located on site.</li><li>• Billboard located at the southwest corner of the property.</li></ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.39 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	LI/R (Light Industrial/Research)	M (Industrial)
North	Auto Shop & Storage	LI/R (Light Industrial/Research)	M (Industrial)
South	Offices & Retail	LI/R (Light Industrial/Research)	C-1 (Limited Commercial)
East	Office Building	LI/R (Light Industrial/Research)	M (Industrial)
West	Office Building	Clark County	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200 feet)	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Clinic	3,650 sq. ft.	1: 200 sq. ft for first 2,000 sq. ft.; 1:250 sq. ft thereafter	17	2			
Medical Office	4,460 sq. ft.	1: 200 sq. ft for first 2,000 sq. ft.; 1:175 sq. ft thereafter	25				
<b>SubTotal</b>			42		27	2	

<b>TOTAL (including handicap)</b>			<b>42</b>		<b>29</b>		<b>N</b>
Percent Deviation					31 %*		

\*The previous submittal provided 26 spaces where 48 were required for a 46% deviation.

## ANALYSIS

The applicant has revised the original request for a Variance to allow 29 parking spaces where Title 19.04.010 requires a total of 42 parking spaces by reducing the original proposal by 1,373 square feet and by providing an additional three parking spaces. The applicant is proposing to construct an additional 2,430 square-feet of gross floor area to the existing 5,280 square-foot structure for a total gross floor area where the original request had proposed a 9,970 square-foot building.

The first floor of this proposal will provide a 3,650 square-foot Medical Clinic that has a parking requirement of 1 space per 200 square feet of gross floor area for the first 2,000 square feet with an additional space required for every 250 square-foot of space thereafter. The second and third floors are to be utilized as a Medical Office, which has a higher parking requirement of 1 space per 200 square feet of gross floor area for the first 2,000 square feet with an additional space required for every 175 square-foot of space thereafter.

Due to the increase in the existing building size and the lot constraints, staff is unable to support this request as the applicant has created a self-imposed hardship.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance

from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a 2,430 square foot addition to a site that currently meets the minimum parking standards for office use. The applicant states that the Variance is warranted due to the close proximity of multi-family housing, a bus-stop, and neighboring businesses that would utilize the proposed health services. However, an alternative design with a further reduction floor space or alternative parking arrangements would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 7

**NOTICES MAILED** 95 by City Clerk

**APPROVALS** 0

**PROTESTS** 0